

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAFA PUTRUS,

Plaintiff,

No. 18-13430

v.

District Judge Sean F. Cox
Magistrate Judge R. Steven Whalen

DELTA AIRLINES, INC., ET AL.,

Defendants.

ORDER

On May 20, 2019, Defendants filed a Motion to Compel Plaintiff's Full Compliance with the Disclosure Provisions of Fed.R.Civ.P. 26(a)(1) and the Submission of Full and Complete Answers to Interrogatories and Responses to Request to Produce [Doc. #14]. Oral argument on this motion was scheduled for June 20, 2019 at 10:00 a.m. Defendants' counsel appeared as ordered. Plaintiff's counsel did not. The motion will therefore be decided on the written submissions.

Upon review of Defendants' motion (including exhibits), Plaintiff's response (including exhibits), and Defendants' reply (including exhibits), as well as the parties' separately filed list of unresolved issues,¹ I find that while Plaintiff has finally produced a portion of the requested discovery, there remain deficiencies.

¹ The Notice of Hearing [Doc. #18] directs the parties to file a *joint* list of unresolved issues, that "must be signed by all parties to the dispute, or their attorneys." Defendants' list recounts the difficulties its counsel experienced in attempting to confer with Plaintiff's counsel, and indicates that "Plaintiff's counsel has stated that Plaintiff's statement will be submitted separately." See Doc. #21, at p. 10. It is concerning that Plaintiff's counsel has opted to disregard my directive and file separately, and, like his failure to appear at the hearing, this shows an unacceptable level of disrespect for this Court's orders and a lack of attention to this case.

Accordingly, Defendants' motion [Doc. #14] is GRANTED.

No later than seven days from the date of this Order will serve on Defendants' counsel the following:

-Initial disclosures that are compliant with Fed.R.Civ.P. 26(a)(1).

-Full and complete answers to Defendant Diverse Facility Solutions' First Set of Interrogatories Nos. 2, 3, 5, 7, and 13.

-Complete production of documents to Defendant Diverse Facility Solutions' First Request for Production of Documents Nos. 5, 10, and 19-27.

-Full and complete responses to Defendant Diverse Facility Solutions' Second Request for Production of Documents.

If Plaintiff's response to a document request is that the document or thing does not exist, or is not within her custody or control, she will so state under oath, and will detail the steps taken to obtain the documents or things.

Pursuant to Fed.R.Civ.P. 37(a)(5)(A) and 37(b)(2), Plaintiff's counsel is sanctioned in the amount of \$1,000.00, payable to Defendants' counsel within 30 days of the date of this Order, representing Defendants' reasonable costs and attorney fees incurred in bringing this motion, including waiting in court for Plaintiff's counsel to appear for the motion hearing.

Plaintiff's failure to comply with this order, or with any discovery order of this Court, will result in further sanctions, which may include dismissal of the complaint.

Finally, discovery is now closed. *See* Scheduling Order [Doc. #10]. Because a motion to extend the schedule is not before me, the parties should address any request for extension to Judge Cox.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 20, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 20, 2019, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen